

## REMARKS

This application has been reviewed in light of the Office Action mailed July 7, 2009. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1, 2 and 5 – 18 are pending in the application with Claim 1 being in independent form. Claims 19 – 27 have been previously withdrawn from consideration.

By the present amendment, Claim 1 is amended to incorporate the features recited in now canceled Claims 3 and 4. Therefore, no new subject matter is introduced into the disclosure by way of the present amendment. Moreover, since the subject matter incorporated into amended Claim 1 has been previously considered, the present amendment to the claims should not require a new search.

### **I. Rejection of Claims 1 – 18 Under 35 U.S.C. § 102(e)**

Claims 1 – 18 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,922,583 issued to Perelman et al. (hereinafter, “Perelman”).

Claim 1 includes a light source device that irradiates a plurality of band light beams in a band of blue light; and a processor that generates a living body image having a scattering feature of a living body tissue as image information.

According to the above-identified features recited in Claim 1, Applicant’s claimed imaging apparatus does not need a polarizing optical system; and the positional relation (angle) of an illumination, an object to be observed, and image pickup device is not limited. These features allow a simple configuration of the imaging apparatus, thus such an imaging apparatus, as recited in Claim 1, can be easily applied to existing endoscopes, for example.

In contrast, Perelman does not disclose such a feature and effects of the present invention. Specifically, Perelman discloses a light source that irradiates illumination lights of

wavelengths including blue wavelength in the range between 350 and 700 nm. However, the imaging apparatus of Perelman uses illumination lights of consecutive wavelengths in the range between 350 and 700 nm. (See: col. 4, line 62).

Further, the imaging apparatus of Perelman requires a spectrograph 70 which is a dedicated device. In addition, in the imaging apparatus of Perelman, the positional relation (angle) among the illumination, the objected to be observed, and the image pickup device is limited in the diagnostic probe 10. Accordingly, Perelman does not disclose a light source that irradiates a plurality of band light beams that exist in a band positioned as blue light in a visual light wavelength range.

Furthermore, the imaging apparatus of Perelman cannot exhibit the benefits of the present invention, namely, (a) no need for a polarizing optical system; and (b) positional relation (angle) of an illumination, an object to be observed, and an image pickup device is not limited. Moreover, the imaging apparatus of Perelman cannot be applied to existing endoscopes unless the configuration thereof is modified.

Therefore, as demonstrated above, because Perelman does not disclose each and every element recited in the present claims, Applicant respectfully submits that the rejection has been obviated. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 1, 2 and 5 – 18 under 35 U.S.C. § 102(e).

### **CONCLUSIONS**

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1, 2 and 5 – 18 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

/Thomas Spinelli/

Thomas Spinelli  
Registration No. 39,533

Scully, Scott, Murphy, & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343

TS/DAT:dk